

2007

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Land (Planning and Environment) Legislation Amendment Bill 2007

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(As presented)

(Minister for Planning)

Land (Planning and Environment) Legislation Amendment Bill 2007

A Bill for

An Act to amend the *Land (Planning and Environment) Act 1991*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2006-884

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Land (Planning and Environment) Legislation*
4 *Amendment Act 2007*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

1 **Part 2** **Land (Planning and**
2 **Environment) Act 1991**

3 **3 Legislation amended—pt 2**

4 This part amends the *Land (Planning and Environment) Act 1991*.

5 **4 AAT review—general**
6 **Section 275 (2) and (3)**

7 *substitute*

8 (1A) However, only the applicant for an approval may apply to the AAT
9 for review of a decision giving the approval subject to a condition
10 under either of the following sections:

11 (a) section 245 (Conditional approvals);

12 (b) section 246A (Reconsideration of decisions).

13 (2) The heritage council may also apply to the AAT for review of a
14 decision mentioned in subsection (1) or (1A).

15 (3) A person who makes a decision mentioned in subsection (1) must
16 give written notice of the decision to—

17 (a) for a decision mentioned in subsection (1A)—the applicant for
18 the approval; and

19 (b) for any other decision—the people whose interests the person
20 believes are affected by the decision; and

21 (c) for a decision on an application relating to a place registered,
22 or nominated for provisional registration, under the *Heritage*
23 *Act 2004*—the heritage council.

1 **5 New section 275 (5) to (7)**

2 *insert*

3 (5) This section—

4 (a) applies in relation to a decision mentioned in subsection (1A)
5 made on or after the day this subsection commences; and

6 (b) as in force on the day this subsection commences, is taken to
7 apply, and always to have applied, in relation to a decision
8 mentioned in subsection (1A) made before the day this
9 subsection commences.

10 (6) Subsection (5) is a law to which the Legislation Act, section 88
11 (Repeal does not end effect of transitional laws etc) applies.

12 (7) Subsections (5) and (6) and this subsection expire 1 year after the
13 day this subsection commences.

14 **6 Regulations for pt 6**
15 **Section 282 (1) (e) and (f)**

16 *substitute*

17 (e) exempting development from the application of this part or a
18 provision of this part; and

19 **Examples—par (e) and Legislation Act, s 48**

20 1 exempting a development or class of development, including by
21 reference to stated circumstances or conditions

22 2 exempting development by reference to any matter, including, for
23 example, location, land use, or policy for land use under the territory
24 plan

25 *Note 1* An example is part of the Act, is not exhaustive and may extend,
26 but does not limit, the meaning of the provision in which it
27 appears (see Legislation Act, s 126 and s 132).

- 1 (b) any other regulation made, or purportedly made, under
2 section 282 (1) (e) or (f) before the day section 282 (5)
3 commences.
- 4 (2) The regulation is taken, for all purposes, always to have been validly
5 made under this Act.
- 6 (3) This section is a law to which the Legislation Act,
7 section 88 (Repeal does not end effect of transitional laws etc)
8 applies.
- 9 (4) This section expires 1 year after the day it commences.
- 10 **288B Amendments of Land (Planning and Environment)**
11 **Regulation by Land (Planning and Environment)**
12 **Legislation Amendment Act**
- 13 (1) This section applies in relation to the amendments of the *Land*
14 *(Planning and Environment) Regulation 1992* by the *Land*
15 *(Planning and Environment) Legislation Amendment Act 2007*.
- 16 (2) The amendments—
- 17 (a) have effect on and after the day this section commences; and
- 18 (b) are taken, for all purposes, to have effect, and always to have
19 had effect, before the day this section commences.
- 20 (3) This section is a law to which the Legislation Act, section 88
21 (Repeal does not end effect of transitional laws etc) applies.
- 22 (4) This section expires 1 year after the day it commences.

1 **Part 3** **Land (Planning and**
2 **Environment) Regulation 1992**

3 **9 Legislation amended—pt 3**

4 This part amends the *Land (Planning and Environment)*
5 *Regulation 1992*.

6 **10 Exclusion of appeals—general**
7 **Section 42 (1)**

8 *substitute*

- 9 (1) The Act, section 275 does not apply if the decision relates to
10 development listed in schedule 6.

11 **11 Exclusion of appeals by objectors and third parties—**
12 **Act, section 276**
13 **Section 43 (1)**

14 *substitute*

- 15 (1) The Act, section 276 does not apply if the decision relates to
16 development listed in schedule 7.

17 **12 Schedule 6—Exclusion of appeals, general—Act, s 275**
18 **Items 1 and 4**

19 *omit*

20 A development

21 *substitute*

22 Development

1 **13 Schedule 7—Exclusion of appeals by objectors and third**
2 **parties—Act, s 276**
3 **Item 1**

4 *omit*
5 A development
6 *substitute*
7 Development

8 **14 Schedule 7, item 4**

9 *omit*
10 A minor
11 *substitute*
12 Minor

13 **15 Schedule 7, item 15**

14 *omit*
15 a development
16 *substitute*
17 development

18 **16 Schedule 7, item 16**

19 *omit*
20 A development
21 *substitute*
22 Development

17 Schedule 7, item 18

2 *omit*

3 a development

4 *substitute*

5 development

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2007.

2 Notification

Notified under the Legislation Act on 2007.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
